

REMARKS

INTRODUCTION:

In accordance with the foregoing, claims 1, 2, 6-8, 10, 15, 16, and 18 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1, 2, 6-16, and 18-26 are pending and under consideration.

ENTRY OF AMENDMENT UNDER 37 C.F.R. §1.116:

Applicant(s) request(s) entry of this Rule 116 Response because:

(a) the amendments were not earlier presented because Applicants believed in good faith that the cited prior art did not disclose the present invention as previously claimed;

(b) the amendment of claims 1, 2, 6-8, 10, 15, 16, and 18 should not entail any further search by the Examiner since no new features are being added or no new issues are being raised that were not already features recited in other independent claims; and

(c) the amendments do not significantly alter the scope of the claims and place the application at least into a better form for purposes of appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

REJECTION UNDER 35 U.S.C. §102:

In the Office Action, at page 2, item 2, the Examiner rejected claims 1, 2, 8-16, 18-21, and 24-26 under 35 U.S.C. §102(b) as being anticipated by Yoshikawa et al. (U.S. Patent No. 5,808,704 – hereinafter Yoshikawa). The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicants traverse this rejection and respectfully request reconsideration.

"Anticipation requires the presence in a single prior art reference the disclosure of each

and every element of the claimed invention, arranged as in the claim. Lindemann Maschinenfabrik GMBH v. American Hoise and Derrick Co., 221 USPQ 481, 485 (Fed. Cir 1984). The Patent Office has the burden of making out a prima facie case, which requires it to produce the factual basis for its rejection in an application under §§102 and 103. In re Warner, 154 USPQ 173, 177 (CCPA 1967).

Amended, independent claim 1 recites: "...a pair of CRT brackets, provided between the first and second casings, to support the CRT assembly, each CRT bracket comprising a CRT combination part, connected directly to the CRT assembly, and slantly disposed in correspondence with a projecting angle of the image beams from the CRT assembly, to project the image beams on a screen, and a CRT supporting rib, connected, at a first end of the CRT supporting rib, directly to a first side of the CRT combination part, to support the CRT combination part."

Amended, independent claim 15 recites: "...a CRT supporting rib; and a CRT combination part: directly connected to a first end of the CRT supporting rib, directly connected to the CRT assembly, and slantly disposed and supporting the CRT assembly at an angle corresponding with a projection angle of the CRT assembly, wherein a second end of the CRT supporting rib is connected directly to the casing for the projection television."

Amended, independent claim 16 recites: "...a CRT bracket, connected directly to both the second casing and the CRT assembly to support the CRT assembly at an angle corresponding to a projection angle of the image beams, to project the image beams on the screen, the CRT bracket comprising a CRT supporting rib, and a CRT combination part, connected directly to both a first end of the CRT supporting rib and the CRT assembly, wherein a second end of the CRT supporting rib is connected directly to the second casing, and the CRT combination part is slantly disposed to support the CRT assembly at the angle corresponding to the projection angle of the image beams."

Regarding claims independent 1, 15, and 16, the Examiner appears to assert that the combination of the loud speaker chambers 13 and the portions D in FIGS. 6 and 8 of Yoshikawa corresponds to the claimed CRT brackets 50. The Examiner specifically asserts that portion D of Yoshikawa corresponds to the claimed CRT supporting rib. Though the Examiner fails to point out what portion of Yoshikawa's invention corresponds to the claimed CRT combination part, Applicants are left to assume that the Examiner is asserting that the loud speaker chamber 13 of Yoshikawa corresponds to the claimed CRT combination part.

Initially, the Examiner asserts that FIGS. 6 and 8 of Yoshikawa disclose a CRT combination part, connected to a CRT assembly, and slantly disposed in correspondence with a

projecting angle of image beams from the CRT assembly. There is no indication that any part of the rear projection type image display apparatus 1 of Yoshikawa is slantly disposed in correspondence with a projecting angle of what the Examiner considers to be a CRT assembly, which, according to the Examiner, is shown in FIG. 6, but apparently is not shown in FIG. 8. None of the base board 11, the loud speaker chamber 13, or portion D, which appear to support what the Examiner deems to be the CRT assembly, is slantly disposed in correspondence with a projecting angle of the image beams from such a CRT assembly.

Further, regarding claim 1, in Yoshikawa, the loud speaker chamber 13 is not connected directly to such a CRT assembly. And though portion D is connected at a first end thereof, directly to a first side of the loud speaker chamber 13, portion D does not support the loud speaker chamber 13.

Further still, regarding claims 15 and 16, in Yoshikawa, while the loud speaker chamber 13 is directly connected to a first end of portion D, the loud speaker chamber 13 is not directly connected to the CRT assembly, and there is no indication that a second end of portion D is connected directly to any part of the casing.

Applicants respectfully submit that Yoshikawa neither discloses nor suggests "...a pair of CRT brackets, provided between the first and second casings, to support the CRT assembly, each CRT bracket comprising a CRT combination part, connected directly to the CRT assembly, and slantly disposed in correspondence with a projecting angle of the image beams from the CRT assembly, to project the image beams on a screen, and a CRT supporting rib, connected, at a first end of the CRT supporting rib, directly to a first side of the CRT combination part, to support the CRT combination part."

Additionally, Applicants respectfully submit that Yoshikawa neither discloses nor suggests "...a CRT supporting rib; and a CRT combination part: directly connected to a first end of the CRT supporting rib, directly connected to the CRT assembly, and slantly disposed and supporting the CRT assembly at an angle corresponding with a projection angle of the CRT assembly, wherein a second end of the CRT supporting rib is connected directly to the casing for the projection television."

Further, Applicants respectfully submit that Yoshikawa neither discloses nor suggests "...a CRT bracket, connected directly to both the second casing and the CRT assembly to support the CRT assembly at an angle corresponding to a projection angle of the image beams, to project the image beams on the screen, the CRT bracket comprising a CRT supporting rib, and a CRT combination part, connected directly to both a first end of the CRT supporting rib and the CRT assembly, wherein a second end of the CRT supporting rib is connected directly to the

second casing, and the CRT combination part is slantly disposed to support the CRT assembly at the angle corresponding to the projection angle of the image beams.”

Regarding claim 8, the Examiner asserts (in the rejection of claim 2) that the side panels 38 correspond to the claimed third casing. The side panels 38, however, are not connected directly to a second end portion D.

Regarding claim 9, the Examiner asserts that portion D is a fin, but there is no portion of side panels 38 that can be construed as a groove, and as such, no part of portion D is inserted into such a non-existent groove, particularly since portion D is not connected directly to side panels 38.

Regarding claim 10, there is no indication that portion D is connected directly to any casing, let alone the casing asserted by the Examiner to correspond to the claimed first casing, namely, the cutaway casing in FIG. 6 of Yoshikawa, which holds the screen 7. Indeed, FIG. 6 appears to show that the casing holding the screen 7 juts forward, and does not even contact portion D.

Regarding claim 24, the Examiner states that Figure 22 “clearly shows that the CRT supporting part has a U-shaped cross section.” Claim 24 recites a CRT supporting rib, and other claims recite a CRT combination part, but no CRT supporting part is claimed. Presumably the Examiner intended to refer to the CRT supporting rib, but in the rejection of claim 1, the Examiner asserts that a CRT supporting rib is shown as “specifically part D in figure 8.” Neither portion D, nor loud speaker chamber 13, to which portion D is attached, are shown in Figure 22. Additionally, no other Figure indicates that a cross section of portion D is anything but rectangular.

Applicants respectfully submit that independent claims 1, 15, and 16 patentably distinguish over the cited art, and should be allowable for at least the above-mentioned reasons. Further, Applicants respectfully submit that claims 2, and 6-14, which ultimately depend from independent claim 1, and claims 18-21, and 24-26, which ultimately depend from independent claim 16, should be allowable for at least the same reasons as claims 1 and 16, as well as for the additional features recited therein.

REJECTION UNDER 35 U.S.C. §103:

In the Office Action, at page 5, item 4, the Examiner rejected claims 6 and 7 under 35 U.S.C. §103(a) as being unpatentable over Yoshikawa, and further in view of Takano et al. (U.S. Patent No. 6,616,283). The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicants traverse this rejection and respectfully request

reconsideration.

In the Office Action, at page 6, item 5, the Examiner rejected claims 22 and 23 under 35 U.S.C. §103(a) as being unpatentable over Yoshikawa, and further in view of Lowe (U.S. Patent No. 6,545,729). The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicants traverse this rejection and respectfully request reconsideration.

Applicants respectfully submit that claims 6 and 7, which ultimately depend from independent claim 1, and claims 22 and 23, which ultimately depend from independent claim 16, should be allowable for at least the same reasons as claims 1 and 16, as well as for the additional features recited therein.

DOUBLE PATENTING REJECTION:

In the Office Action, at page 7, item 7, the Examiner provisionally rejected claims 1, 2, 6-16, and 18-26 under the judicially created doctrine of obviousness-type double patenting over claims 3-8, 10, and 11 of co-pending application No. 10/453,504 in view of Yoshikawa. The reasons for the rejection are set forth in the Office Action and therefore not repeated.

In the Office Action, at page 7, item 8, the Examiner also provisionally rejected claims 1, 2, 6-16, and 18-26 under the judicially created doctrine of obviousness-type double patenting over claims 18, 2, 3, 6-8, and the associated independent claims of co-pending application No. 10/702,503 in view of Yoshikawa. The reasons for the rejection are set forth in the Office Action and therefore not repeated.

Since U.S. Patent Application No. 10/702,503 has not yet been issued as a patent or otherwise been indicated as allowable, it is believed that any submission of a Terminal Disclaimer or arguments as to the non-obvious nature of the claims would be premature. MPEP 804(I)(B). As such, it is respectfully requested that Applicants be allowed to address any obviousness-type double patenting issues remaining on allowance of U.S. Patent Application Nos. 10/453,504 and 10/702,503.

CONCLUSION:

In accordance with the foregoing, Applicants respectfully submit that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the cited art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration

by the Board.


If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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